

CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number _____

Meeting Type: Regular

Meeting Date: 6/14/2012

Action Requested By:

Community
Development

Agenda Item Type

Ordinance

Subject Matter:

Setting a public hearing for declaration and abatement of a grass/weed nuisance.

Exact Wording for the Agenda:

Resolution to proceed in accordance with Ala. Code §§ 11-67-60 to 67 concerning declaration and abatement of grass/weed nuisance(s) at certain propert(y) (ies) within the city limits and setting a public hearing thereon July 12, 2012.

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

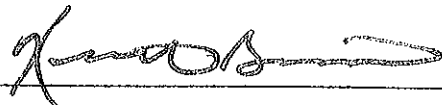
Briefly state why the action is required; why it is recommended; what Council action will provide, allow and accomplish and; any other information that might be helpful.

Resolution to set a public hearing to proceed in accordance with Ala. Code §§ 11-67-60 to 67 concerning declaration and abatement of grass/weed nuisance(s) at certain propert(y) (ies).

Associated Cost:

Budgeted Item: No

MAYOR RECOMMENDS OR CONCURS: Select...

Department Head: 

Date: 6/6/2012

WHEREAS, an abundance of overgrown grass or weeds within a municipality that is injurious to the general public health, safety, and general welfare by providing breeding grounds and shelter for rats, mice, snakes, mosquitoes, and other vermin, insects, and pests; or attaining heights and dryness that constitute a serious fire threat or hazard; or bearing wingy or downy seeds, when mature, that cause the spread of weeds and, when breathed, irritation to the throat, lungs, and eyes of the public; or hiding debris, such as broken glass or metal, that could inflict injury on a person going upon the property; or being unsightly; or a growth of grass or weeds, other than ornamental plant growth, that exceeds 12 inches in height, may be declared to be a public nuisance by the municipal governing body and abated as provided in Title 11, Chapter 67, Article 4 of the Code of Alabama of 1975, as last amended, (Ala. Code §§ 11-67-60 to 67); and

WHEREAS, the Alabama Legislature established procedures for municipalities pursuant to Ala. Code §§ 11-67-60 to 67 to declare grass/weeds a public nuisance, order their abatement, and recover those costs through assessing the costs of doing so to the property owner(s); and

WHEREAS, the Code Enforcement Manager of the City's Community Development Division ("Code Enforcement Manager") has found, as outlined in his Report and Findings a copy of which is attached hereto as Exhibit A and incorporated herein by reference, that the following property or properties has an abundance of overgrown grass and/or weeds as identified in Ala. Code § 11-67-60:

1320 Pratt Avenue, N.E., Huntsville, Alabama 35801, more particularly described as Lot (s) 7 & 8, Block 95, East Huntsville Addition, as recorded in Plat Book 1, Page 35 of the Probate Records of Madison County, Alabama

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, ("City Council") as follows:

1. The findings of the Code Enforcement Manager are hereby adopted and the weeds and/or grass growing upon and/or in front of the following described property or properties located at:

1320 Pratt Avenue, N.E., Huntsville, Alabama 35801, as more particularly described hereinabove,

are hereby declared to be a nuisance and ordered to be abated; subject, however, to a final determination being made thereon by the City Council after a public hearing is held on the matter in accordance with Ala. Code § 11-67-63.

2. A public hearing on the matter is hereby set for Thursday, July 12, 2012 at 6:00 p.m. in the City Council Chambers located on the first floor of the Administration Building of the City of Huntsville, Alabama, 308 Fountain Circle, Huntsville, Alabama 35801.

3. The City of Huntsville, Alabama's City Clerk-Treasurer and/or Director of Community Development are hereby directed to provide notice of the public hearing in accordance with Ala. Code § 11-67-62, including without limitation publication, in a newspaper of general circulation published in the City of Huntsville, Alabama once a week for two consecutive weeks, of the notice attached hereto as Exhibit B and incorporated herein by reference.

ADOPTED this the _____ day of _____, 2012.

President of the City Council
Of the City of Huntsville, Alabama

APPROVED this the _____ day of _____, 2012.

Mayor of the City of
Huntsville, Alabama

Exhibit A

REPORT AND FINDINGS

COMMUNITY DEVELOPMENT DIVISION
CITY OF HUNTSVILLE, ALABAMA

To: THE CITY COUNCIL OF THE CITY OF HUNTSVILLE, ALABAMA

DATE: JUNE 14, 2012

RE: *Grass Nuisance*

Please be advised that upon and/or in front of the following described property or properties within the city limits of Huntsville:

1320 Pratt Avenue N.E., Huntsville, AL 35801, more particularly described as Lot(s) 7 & 8, Block 95, East Huntsville Add., as recorded in Plat Book 1, Page 35 of the Probate Records of Madison County, Alabama.

I have found an abundance of overgrown grass or weeds that I find to be injurious to the general public health, safety, and general welfare by providing breeding grounds and shelter for rats, mice, snakes, mosquitoes, and other vermin, insects, and pests; attaining heights and dryness that constitute a serious fire threat or hazard; bearing wingy or downy seeds, when mature, that cause the spread of weeds and, when breathed, irritation to the throat, lungs, and eyes of the public; hiding debris, such as broken glass or metal, that could inflict injury on a person going upon the property; being unsightly; and/or having a growth of grass or weeds, other than ornamental plant growth, that exceeds 12 inches in height.

Therefore, it is my recommendation that the abatement procedures outlined in Title 11, Chapter 67, Article 4 of the Code of Alabama of 1975, as last amended, (Ala. Code §§ 11-67-60 to 67) be initiated by the City Council forthwith.

/s/ Keith Atchley

Keith Atchley

Code Enforcement Manager of Community
Development Division

NOTICE TO DESTROY GRASS/WEEDS

Notice is hereby given that on the

12th day of July, 2012 at 6:00 P.M. in the City Council Chambers located on the first floor of the Administration Building of the City of Huntsville, Alabama, 308 Fountain Circle, Huntsville, Alabama, 35801,

the City Council of the City of Huntsville, Alabama will consider a resolution, a copy of which is on file in the Office of the City Clerk-Treasurer, regarding the weeds growing upon or in front of the property located at **1320 Pratt Avenue N.E., in the City of Huntsville, Alabama**, and more particularly described as Lot(s) 7 & 8, Block 95, East Huntsville Add., as recorded in Plat Book 1, Page 35 of the Probate Records of Madison County, Alabama; and at that time and place will determine whether the weeds constitute a public nuisance which shall be abated by removal of the noxious or dangerous weeds; and, if so, will order the abatement and removal of the nuisance. If abatement and removal are ordered, the cost of abatement and removal shall be assessed upon the lots and lands from which or in front of which the weeds are removed, and the cost shall be added to the next regular bills for taxes levied against the respective lots and lands for municipal purposes. The costs shall be collected at the same time and in the same manner as ordinary municipal taxes are collected. The costs shall be subject to the same commissions and fees and the same procedure for foreclosure and sale in case of delinquency as provided for ordinary municipal taxes.

The following are those who perform the work, individually or in any combination, and are registered with the City Clerk-Treasurer: K. Atchley, D. Alford, J. McKee, B. Walker, M. Byers, T. Harbin, D. Hill, R. Toney, R. Anderson, M Collier, P. Daily, J. Holt, G. Jones, R. Milton, C. Mullins, M. Mullins, F. Williams, J. Williams, K. Winkles and D. Worley (all employees of the city of Huntsville), and C. Tillet, T. Rugart, C. May, R. Tillet, Jr., and S. Yost (all crew members of Nelson Tree Service of Dayton, OH).

If no objections are filed with the City Clerk-Treasurer at least five days before the meeting of the City Council and unless the person appears before the City Council in person or through his or her representative to show cause, if any, why his or her objection should be sustained, it shall be presumed that the person accepts the notice as fact and waives any rights he or she may have to contest the removal of the weeds and the action of the City Council shall be final unless good and sufficient cause can be otherwise shown.

Reference is hereby made to the resolution, on file in the Office of the City Clerk-Treasurer, for further particulars.

Charles E. Hagood
City Clerk-Treasurer
City of Huntsville, Alabama
308 Fountain Circle
Huntsville, AL 35801

Kenneth Bennion
Interim Director Community Development
City of Huntsville, Alabama
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